

Remarks

The Office Action mailed August 25, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-15, 17-23, 25-46, and 48-55 are now pending in this application. Claims 1-15, 17-23, 25-46, and 48-53 are rejected. Claims 16, 24, and 47 have been canceled without prejudice, waiver, or disclaimer. Claims 54 and 55 have been newly added. Claim 1 has been amended. No new matter has been added. No fees are due for the newly added Claims 54 and 55.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated August 25, 2005 for the above-identified patent application from November 25, 2005 through and including December 27, 2005. December 25, 2005 is a Sunday and December 26, 2005 is a Federal holiday. In accordance with 37 C.F.R. 1.17(a)(1), authorization to charge a deposit account in the amount of \$120.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-15, 17-23, 25-46, and 48-53 under 35 U.S.C. § 103(a) as being unpatentable over Call (U.S. Patent 5,913,210) in view of Nicholls et al. (U.S. Patent 5,485,369) and Kadaba (U.S. Patent No. 6,889,194) is respectfully traversed.

Call describes a system including an Internet resource, called a "product code translator," for storing cross-references between universal product codes identifying specific products and Internet addresses specifying locations at which information about products may be obtained (column 1, lines 37-41). The cross-references are transferred from participating manufacturers to the product code translator using a product code registration process (column 1, lines 42-44). The transferred cross-references specify universal product codes assigned to the participating manufacturers, such as the U.P.C. and EAN codes widely used in retail stores for barcode scanning at checkout counters (column 1, lines 45-48). The centrally stored cross-references thus correlate sets of universal product codes with the Internet

addresses where information can be obtained about the products designated by those codes (column 1, lines 47-51). Utilizing the system, resellers, potential customers, analysts, service and support personnel, end-users and others can obtain and use detailed, accurate and up-to-date information about any product of interest made available by a participating manufacturer (column 1, lines 52-56). The system facilitates a transfer of information about products from manufacturers or suppliers to resellers, customers, and any others who need or desire that information (column 1, lines 32-36).

Nicholls et al. describe a system including a shipping station (26). The shipping station may include one or more computer terminals to which a scanning device (32), an electronic scale (34) and mailing label printers (36) may be attached (column 3, line 65 – column 4, line 3). The system further includes a shipments client that accepts user input for routing, rating and documentation of a group of packages (column 7, lines 53-55). The system also includes supervisory managers that are preprogrammed with an ability to send "announcements" across a network operating system according to a named pipe protocol (column 12, lines 45-47). The system may choose the least cost carrier which meets transit time requirements indicated in a field (column 7, lines 57-61). The system provides a selection as being hazardous of a material to be shipped (Figure 4A). A UPS rate adjustments program object and substantially similar objects for each carrier rate server installed on the system, allows a user to adjust discounts and incentive programs extended to a shipper by a carrier (column 8, lines 43-47).

Kadaba describes a customer server (38), which in turn, relays status of a parcel to a smart phone (14) (column 11, lines 40-41). The status information is displayed to a customer (column 11, lines 44-45). From a parcel status screen, the customer may determine whether the parcel has been delivered and, if so, by whom it was received and at what time (column 11, lines 45-48).

Claim 1 recites a method of delivering goods from a supplier to a buyer utilizing a system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, where the at least one delivery agent, the at least one store, and the at least one supplier are coupled to a communications network, the

method comprising the steps of “contemporaneously communicating respective order information from a respective store to a logistics intermediary; generating respective invoice information from said respective order information; electronically communicating said respective invoice information from said logistics intermediary to a respective delivery agent based on an electronic manifest; noting exceptions and electronically communicating the exceptions to said logistics intermediary, wherein the exceptions are noted and electronically communicated by said respective delivery agent; electronically communicating the exceptions from said logistics intermediary to a respective supplier and to the respective store from which goods were ordered; electronically communicating a disposition status of respective shipped goods from said respective delivery agent to said logistics intermediary; responding, by said respective supplier, based on conditions of the respective shipped goods provided by said respective delivery agent to said respective supplier via said logistics intermediary, wherein said responding based on the conditions includes rescheduling an order, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the buyers of the respective shipped goods; and updating said electronic manifest, wherein said electronic manifest is updated by said logistics intermediary.”

None of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest a method of delivering goods from a supplier as recited in Claim 1. Specifically, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest responding, by the respective supplier, based on conditions of the respective shipped goods provided by the respective delivery agent to the respective supplier via the logistics intermediary, where responding based on the conditions includes rescheduling an order, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the buyers of the respective shipped goods. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing,

rating and documentation of a group of packages. Kadaba describes determining, by a customer from a parcel status screen, whether a parcel has been delivered and, if so, by whom it was received and at what time. Accordingly, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest rescheduling an order based on the conditions reported. Hence, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest rescheduling an order, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the buyers of the respective shipped goods. For the reasons set forth above, Claim 1 is submitted to be patentable over Call in view of Nicholls et al. and Kadaba.

Claims 2-15, 17-23, and 25-27 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-15, 17-23, and 25-27 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-15, 17-23, and 25-27 likewise are patentable over Call in view of Nicholls et al. and Kadaba.

Claim 28 recites a system for delivering goods from a plurality of suppliers to a plurality of buyers based on respective orders placed by the plurality of buyers, the system comprising “a communications network; a logistics intermediary coupled to said communications network, said logistics intermediary having an electronic manifest; wherein said logistics intermediary is adapted to adjust good deliveries based on an exception report; at least one delivery agent coupled to said communications network, wherein said at least one delivery agent is adapted to deliver and install a first set of goods ordered by a respective buyer based on information in said electronic manifest; at least one supplier adapted to generate order reschedules of a second set of goods based on conditions, of the first set of goods, provided by the at least one delivery agent to said at least one supplier via said logistics intermediary, wherein said at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the

respective buyer; and at least one store coupled to said communications network, wherein said at least one store is adapted to receive order information generated by each respective buyer and communicate the order information to said logistics intermediary via said communications network.”

None of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest a system for delivering goods from a plurality of suppliers as recited in Claim 28. Specifically, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest at least one supplier adapted to generate order reschedules of a second set of goods based on conditions, of the first set of goods, provided by the at least one delivery agent to the at least one supplier via the logistics intermediary, where the at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyer. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes determining, by a customer from a parcel status screen, whether a parcel has been delivered and, if so, by whom it was received and at what time. Accordingly, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest at least one supplier that generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyer.

Applicants respectfully traverse the statement on pages 10-11 of the Office Action. The statement states, “reschedule an order (inherently, any merchant MUST reschedule the order in response to the customer’s request, or any other business related conditions)”. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that none of

Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest at least one supplier that generates the order reschedules based on the conditions. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes determining, by a customer from a parcel status screen, whether a parcel has been delivered and, if so, by whom it was received and at what time. For the reasons set forth above, Claim 28 is submitted to be patentable over Call in view of Nicholls et al. and Kadaba.

Claims 29-41 and 49 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 29-41 and 49 are considered in combination with the recitations of Claim 28, Applicants submit that dependent Claims 29-41 and 49 likewise are patentable over Call in view of Nicholls et al. and Kadaba.

Claim 42 recites a system for integrating information for the delivery of goods from a supplier to a buyer, the system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, the system comprising “means for utilizing a communications network to transfer order and shipping information between a respective supplier, a respective delivery agent, and a respective store; means for utilizing a logistics intermediary coupled to said communications network, said logistics intermediary being adapted to employ an electronic manifest; means for providing order and shipping information to the at least one delivery agent and the at least one supplier, wherein said at least one delivery agent is adapted to deliver and install a first set of goods ordered by the respective buyer based on information in said electronic manifest; means for scheduling a shipment of a second set of goods produced by the at least one supplier based on said order and shipping information, and an exception report, wherein said at least one supplier is adapted to generate order reschedules of the second set of goods based on conditions, of the first set of goods, provided by said at least one delivery agent to said at least one supplier via said logistics intermediary, and the at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the respective

delivery agent via a graphical user interface after the first set of goods are received by the respective delivery agent that delivers the first set of goods to the respective buyer; and means for updating the electronic manifest after the order has been executed.”

None of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest a system for integrating information for the delivery of goods from a supplier as recited in Claim 42. Specifically, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest the at least one supplier is adapted to generate order reschedules of the second set of goods based on conditions, of the first set of goods, provided by the at least one delivery agent to the at least one supplier via the logistics intermediary, and the at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the first set of goods are received by the respective delivery agent that delivers the first set of goods to the respective buyer. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes determining, by a customer from a parcel status screen, whether a parcel has been delivered and, if so, by whom it was received and at what time. Accordingly, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest the at least one supplier that generates the order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the first set of goods are received by the respective delivery agent that delivers the first set of goods to the respective buyer. Hence, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest the at least one supplier that generates the order reschedules based on the conditions. For the reasons set forth above, Claim 42 is submitted to be patentable over Call in view of Nicholls et al. and Kadaba.

Claims 43-46 and 48 depend, directly or indirectly, from independent Claim 42. When the recitations of Claims 43-46 and 48 are considered in combination with

the recitations of Claim 42, Applicants submit that dependent Claims 43-46 and 48 likewise are patentable over Call in view of Nicholls et al. and Kadaba.

Claim 50 recites a system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, wherein the at least one delivery agent, the at least one store, and the at least one supplier are coupled to a communications network, the system comprising “a logistics intermediary electronically communicating respective invoice information to a respective delivery agent based on an electronic manifest, said logistics intermediary electronically communicating said respective invoice information via a server to said respective delivery agent, said respective invoice information generated from respective order information, said respective delivery agent noting exceptions and electronically communicating via the server the exceptions to said logistics intermediary, said at least one supplier adapted to respond based on conditions, of a plurality of shipped goods, provided by said respective delivery agent to said at least one supplier via said logistics intermediary, and the at least one supplier generates a plurality of order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the goods are received by the respective delivery agent that delivers the goods to one of the buyers; and a respective store contemporaneously communicating via the server respective order information to said logistics intermediary.”

None of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest a system as recited in Claim 50. Specifically, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest the at least one supplier generates a plurality of order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the goods are received by the respective delivery agent that delivers the goods to one of the buyers. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes determining, by a customer from a parcel status screen,

whether a parcel has been delivered and, if so, by whom it was received and at what time. Accordingly, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest the at least one supplier that generates a plurality of order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the goods are received by the respective delivery agent that delivers the goods to one of the buyers. Hence, none of Call, Nicholls et al., or Kadaba, considered alone or in combination, describe or suggest the at least one supplier that generates a plurality of order reschedules based on the conditions. For the reasons set forth above, Claim 50 is submitted to be patentable over Call in view of Nicholls et al. and Kadaba.

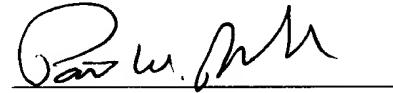
Claims 51-53 depend from independent Claim 50. When the recitations of Claims 51-53 are considered in combination with the recitations of Claim 50, Applicants submit that dependent Claims 51-53 likewise are patentable over Call in view of Nicholls et al. and Kadaba.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-15, 17-23, 25-46, and 48-53 be withdrawn.

Newly added Claims 54 and 55 depend from independent Claim 1, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claims 54 and 55 are also patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070